

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MALCOLM HAYES, Individually and on behalf
of himself and others similarly situated,

Plaintiff,

v.

No. 1:19-cv-01046-JDB-jay

ELECTRIC RESEARCH AND
MANUFACTURING COOPERATIVE,
INC.,

Defendant.

ORDER DENYING AS MOOT MOTION OF ERMCO COMPONENTS, INC. TO DISMISS
PLAINTIFF’S INITIAL COMPLAINT

Pending on the Court’s docket is the June 19, 2019, motion of the defendant named in the Plaintiff’s initial complaint, ERMCO Components, Inc., to dismiss the complaint on the grounds that Hayes brought his action against the wrong defendant. (Docket Entry (“D.E.”) 14.) On July 17, 2019, the Plaintiff amended his complaint, naming Electric Research and Manufacturing Cooperative, Inc. as the sole Defendant (D.E. 22.) The same day, Hayes responded to the motion to dismiss, arguing that it is moot in light of the filing of the amended complaint. (D.E. 23.) The Court agrees. *See In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013) (“An amended complaint supersedes an earlier complaint for all purposes.”). As the motion of ERMCO Components, Inc. to dismiss the initial pleading is now moot, it is DENIED on that basis.

IT IS SO ORDERED this 18th day of July 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

